

FILED
SEP 11 2018

SUPERIOR COURT OF CALIFORNIA
NORTHERN DISTRICT, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA
2
3 Shikeb Saddozai) MOTION FOR
4 Plaintiff) APPOINTMENT OF
5 v.) COUNSEL
6 Ron Davis Warden of San)
7 Quentin State Prison , et al)
8 Defendants)
9
CV 18 5558 Case No. BLF (PR)

10 Pursuant to 28 U.S.C § 1915 (e)(1) Plaintiff moves for an order appointing counsel
11 to represent him in this case. In support of this motion , Plaintiff States :

- 13 1. Plaintiff is unable to afford counsel he has requested leave to proceed in
14 FORMA PAUPERIS .
15 2. Plaintiff imprisonment will greatly limit his ability to litigate . The issues
16 involved in this case are complex, and will require significant research , and
17 investigation . Plaintiff has been denied access to law library and limited know-
18 ledge of the law . In addition Plaintiff has had his legal correspondence
19 violated and destroyed For initiating a complaint and placed in Administrative Seg
20 3. A trial in this case will likely involve conflicting testimony and counsel would
21 better enable plaintiff to present evidence and cross examine witnesses .
22 4. Plaintiff has made repeated efforts to obtain a lawyer. Attached to this motion
23 are rejection letters for representation to plaintiff .

24 WHEREFORE , Plaintiff request that the court appoint counsel in this case .

25 September 2nd, 2018

26 Shikeb Saddozai

27 Shikeb Saddozai CPCR # AY1590

28 San Quentin State Prison, San Quentin, California, 94974

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30 July 2018
Via First Class U.S. Mail and/or email

Shikeb Saddozai 1168472
300 Bradford Street
Redwood City, CA 94063

CC: Shikeb Saddozai #AY1590
S.Q.S.P.
San Quentin, CA 94974

Re: Nonengage Letter

Dear Mr. Saddozai,

Thank you for contacting the Flynn Law Office about your potential claims on the jail conditions of the San Mateo County Jail. Unfortunately, our small office currently has a very full caseload, and we are not able to take on your potential cases at this time. We are including or have already sent back all of your original documents, including the letter you sent to us on July 22nd.

We did do a Public Records Act (PRA) request for the video of 30 April assault and the previous assault by an inmate in 2017, but we are not promising to file a lawsuit. We also want to let you know that we previously sent a notice to preservice evidence in May. If you are in agreement, we can share the PRA request and response with another attorney, who litigates PRA cases, to see if he is interested in potentially litigating it, so at least the video comes out.

We have not done a complete investigation of your potential claims, and thus are not making a statement or determination of the merit of your potential claims. We will say that we are very concerned with how you have been treated, and our decision not to represent you in litigation is not a statement of approval for how the San Mateo County sheriffs, or other law enforcement personnel have behaved in your case.

We are aware that you have filed multiple lawsuits pro per. We cannot promise to represent you in these proceedings. However, feel free to keep us in the loop on what happens. If we have the time, resources, and knowledge to provide any tips or info, we will try to help. This is not an offer of representation.

You should be aware that, in California, to protect your rights to sue a California state or local government agency or employee based on state law, you must file a government tort claim (a 1-2 page form generally available from the city or county clerk or agency administration) within 6 months of the incident describing all your claims and injuries with the government entity or agencies allegedly responsible. Then there is a deadline of 6 months from the date of the denial of the claim to file in court. If the government entity denies the claim, they should notify you in a letter that the deadline to file the lawsuit in court is 6 months from the date the government claim was filed. If they ignore the claim, there may be arguments that the deadline may be extended, but you should consult with an attorney as soon as possible regardless.

If there was a criminal charge against you arising from the incident, then the government tort claim still must be filed within 6 months of the incident, however, the statute of limitations on the state law claims may be extended while the criminal case is pending. Check with another attorney about your specific circumstances to determine if your deadline could be extended.

Under federal law, you have 2 years from the date of the incident(s) in California to make a civil rights claim based on 42 USC 1983, Title IX (gender discrimination by an entity receiving federal funding), or Title VI (racial discrimination by an entity receiving federal funding).

Additionally, there may be other avenues to lodge complaints like a City or County Office of Citizen Complaints or Police Commission, or Citizen Oversight Board, or by contacting City Council members or County Board of Supervisors members. There may be local community organizations or national organizations in your area that advocate on behalf of survivors of police brutality that may help with pursuing complaints. It is generally a good idea to first consult with an attorney before making statements about your claims.

Again, we want to thank you for contacting us about your potential claims, and regret we are unable to help you more. Generally, preserving evidence by seeking documentation of the incident(s) and seeking health care treatment and documentation of any injuries is important.

In accordance with our standard policy, we are not charging you for any legal fees or expenses. While we do charge for evaluating cases, that is only when we express an opinion of the merits of the case to the client. Since we are not expressing an opinion in this instance, no charge is being made.

We suggest you reach out to other potential lawyers or legal organizations legal representation for your potential claims. We provide suggested referrals below.

We will be doing nothing further on your potential claims.

Sincerely,

R. Michael Flynn
Flynn Law Office